



ROY COOPER  
*Governor*

MICHAEL S. REGAN  
*Secretary*

WILLIAM E. TOBY VINSON, JR.  
*Interim Director*

March 22, 2018

## LETTER OF DISAPPROVAL

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

7014 1200 0000 8627 0226

Atlantic Coast Pipeline, LLC  
ATTN: Leslie N. Hartz, VP Pipeline Construction  
707 East Main St  
Richmond, VA 23219

RE: Project Name: ACP Hickory Road Contractor Yard  
Project ID: NASH-2018-014  
County: NASH, City: North Whitakers Address: Hickory Road  
Submitted By: ERM  
Date Received by LQS: February 23, 2018  
Plan Type: New

Dear Sir or Madam:

The erosion and sedimentation control plan submitted for the subject project has been reviewed and is disapproved for the reasons listed on the attached sheet.

You may submit a revised erosion and sedimentation control plan for approval addressing those items outlined on the enclosed form. Under the authority of NCGS 113A-54.1(a), this office has 15 days from the date of receipt to approve or disapprove your revised plan. However, if you wish to contest the disapproval of this plan, you must request an administrative hearing within 60 days of your receipt of this Letter of Disapproval. This request must be in the form of a written petition, conforming to Chapter 150B of the North Carolina General Statutes, and filed with the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, North Carolina 27699-6714. A copy of the petition must be served on this Department as follows:

State of North Carolina | Environmental Quality | Energy, Mineral, and Land Resources  
Raleigh Regional Office | 1628 Mail Service Center | Raleigh, NC 27609  
919 791 4200

Letter of Disapproval  
Atlantic Coast Pipeline, LLC  
March 22, 2018  
Page [ PAGE ] of [ NUMPAGES ]

Office of General Counsel  
Department of Environmental Quality  
1601 Mail Service Center  
Raleigh, North Carolina 27699-1601

Pending approval of a revised plan or a decision on an appeal, commencement of any land-disturbing activity associated with this project shall constitute a violation of the Sedimentation Pollution Control Act of 1973 (NCGS 113A-51 through 66).

Please feel free to contact this office at your convenience if you have any questions or if we can provide any assistance in resolving this matter.

Sincerely,

William H. Denton, IV, PE  
Regional Engineer  
DEMLR

Enclosure: Reasons for Disapproval

Cc: Scott Robinson, PE, ERM NC, Inc. – Electronic Copy  
Danny Smith, DWR Field and Operations Supervisor  
DEMLR – Raleigh Regional Office File

## **REASONS FOR DISAPPROVAL**

Project Name: ACP Hickory Road Contractor Yard  
Project ID: NASH-2018-014  
County: NASH

1. Provide a copy of the current deed. If the Financially Responsible Party is not the land owner, provide a Letter of Consent, signed by all land owners listed on the deed. This letter is to be the original signature letter stating the Financially Responsible Party has permission to conduct land-disturbing activity on their property. (GS 113A-54.1(a))
2. Submit a completed Financial Responsibility/Ownership (FRO) form. If the question is not applicable or information is unavailable, place N/A in the blank. The form is to include landowner information. Use the original form with attachments. This form is to have the original signature and is required to be notarized. Provide email addresses, telephone/fax numbers as requested in Parts A and B of the form. (GS 113A-54.1(a))
3. Provide copies of access/encroachment agreements from NCDOT, municipalities, counties, and other public or private party entities, as it applies to this project. (GS 113A-54.1(a))
4. Provide the location of the site, to scale as near as possible, on a USGS quad map and on the most recent paper-bound version of the Natural Resources Conservation Service soil survey map. Include the geographical location in relation to the nearby pipeline project. (GS 113A-57.4(c), 15A NCAC 04B .0105, 15A NCAC 04B .0106(a)(1) and (a)(3))
5. Provide a detailed/specific construction sequence related to erosion and sediment control addressing all proposed measures. This sequence is to include the installation of all measures prior to the initiation of the land-disturbing activity, removal of measures after areas they serve are permanently stabilized, and the conversion of temporary measures to permanent measures. Describe the construction activities associated with these activities. (15A NCAC 04B. 0106(5))
6. Drainage areas exceeding one acre must have a properly designed surface dewatering device. Provide supporting documentation for sizing the skimmer including dimensions, orifice size, and dewatering time. The skimmer orifice is to be sized using the required volume rather than the actual volume to provide adequate settling time prior to discharge. The dewatering time is to be within 2-5 days. (GS 113A-57(3) and 15A NCAC 04B .0106(5), and NCG01 Section II.B. (4)(a))
7. Provide construction specifications for the sediment skimmer basin. Specifications are provided for a rock dam Construction specifications for the skimmer basin are to include

the excavation, embankment construction, spillway construction, and skimmer basin installation. Specify on the plan detail that an impermeable liner is to be installed on the spillway. Include a stone pad for the skimmer to rest upon and a rope attached to the skimmer for maintenance in the plan detail. (GS 113A-57(3), 15A NCAC 04B .0113)

8. Provide a structure/device for dewatering the temporary basins prior to removal and/or conversion to a permanent structure. Provide a plan detail, construction specifications, and maintenance requirements for this device. Silt bags are typically used for this purpose. Include the use of this device in the construction sequence. (GS 113A-57(3), 15A NCAC 04B .0113)
9. Provide design calculations for cross sections and method of stabilization for the temporary diversions used to convey runoff into the basin. Include appropriate permissible velocity and/or shear stress data. Include the installation and removal of these measures in the construction sequence. Provide liners/matting where indicated. If liners/matting is to be installed, provide a plan detail, construction specifications, and maintenance requirements. Include the installation of liners in the construction sequence. Provide a symbol in the legend and identify where the mattings and liners will be installed. (GS 113A-57(3), 15A NCAC 04B .0113)
10. Provide stable conveyance of the runoff entering the skimmer basin. Provide a plan detail, construction specifications, and maintenance requirements for this structure. Include the installation and removal of this structure in the construction sequence. (15A NCAC 04B.0106(4))
11. Provide a plan detail, construction specifications, and specific maintenance requirements for all proposed erosion and sedimentation control measures and structures. (GS 113A-57(3), 15A NCAC 04B .0113)
12. Provide adequate measures around the stockpile areas. (GS113A-57(3), 15A NCAC 04B .0105, 15A NCAC 04B .0106(5), GS113A-57(4), NCG01 Section IIB 1(d))
13. Identify disturbed areas on the site plan that may require soil stabilization within 7 days. All areas requiring 7-day ground cover must be specifically indicated on the plan via leader line, hatching or some other method. (GS 113A-57(2), 15A NCAC 04B .0106(3), NCG01 Section IIB (2))
14. Provide additional erosion and sedimentation control measures as required to protect all public and private property from damage. Due to the duration of this pipe yard, provide BRSF rather than compost socks as a perimeter measure. (113A-57(3), 15A NCAC 04B .0105)

Letter of Disapproval  
Atlantic Coast Pipeline, LLC  
March 22, 2018  
Page [ PAGE ] of [ NUMPAGES ]

15. Provide two copies of the plan set (one full-size and one half-size), showing the modifications required for approval. To facilitate DEMLR review, bubble, highlight, or otherwise identify the changes to your resubmittal. Provide one copy of additional items (such as design calculations). Provide a cover letter referencing the project name, project ID, and purpose for submittal. (G.S. 113A-57(4))